

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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Case No. 15-1869

PETER BORMUTH,
Appellant

v.

COUNTY OF JACKSON,
Appellee

On Appeal from United States District Court, Eastern District of Michigan,
Southern Division, Case No. 13-cv-13726
District Judge, Hon. Marianne O. Battani

PLAINTIFF/APPELLANT'S SUPPLEMENTAL *EN BANC* REHEARING REPLY BRIEF

Peter Bormuth, Appellant

Druid

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CONSTITUTIONAL PROVISIONS

U.S. Constitution, Article 2, Section 3 in pertinent part holds:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;...

U.S. Constitution, Article 6, Section 2 in pertinent part holds:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;...

U.S. Constitution, Article 6, Section 3 in pertinent part holds:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

U.S. Constitution, Amendment 1 in pertinent part holds:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

U.S. Constitution, Amendment 14 in pertinent part holds:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

TREATIES

Treaty of Tripoli, Article 11 (1797) in pertinent part holds:

As the Government of the United States is not, in any sense, founded on the Christian religion;

INTRODUCTION

“The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government...can force [a citizen] to profess a belief or disbelief in any religion...In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." *Reynolds v. United States*, *supra* at 164. *Everson v. Board of Ed. of Ewing*, 330 US 1 (1947). The Supreme Court has always held that, “The First Amendment...’forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship.’” *U.S. v. Ballard*, 322 US 78 (1944) quoting *Cantwell v. State of Connecticut*, 310 U.S. 296 (1940). In *Zorach v. Clauson*, 374 U.S. 220 (1952) MR. JUSTICE DOUGLAS, for the Court, reiterated:

There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And, so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment, within the scope of its coverage, permits no exception; the prohibition is absolute.

James Madison viewed religion as a private matter “wholly exempt from [the] cognizance” of government (*Memorial & Remonstrance*) and on June 12, 1788 at the Virginia ratifying convention stated: “there is not a shadow of right in the general government to intermeddle with religion.”¹ In a speech to the House of Representatives on June 8, 1789 Madison offered this version of the amendment that became the Establishment Clause: “...The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be

¹ James Madison, Virginia Ratifying Convention, June 12, 1788

established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed."² In the debates of August 15, 1789 Madison explained the clause this way: "He apprehended the meaning of the words to be, that congress shall not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience."³ Even enemies of the Establishment Clause like Yale Diviner Timothy Dwight understood that: "we formed our Constitution without any acknowledgement of God...or even of his existence. Thus we commenced our national existence under the present system, without God."⁴ The Founding period saw a general acceptance of Enlightenment philosophy and terminology. In 1779 the voters of New Hampshire rejected a proposed constitution that would have barred the legislature from enacting laws "contrary to the laws of God, or against the Protestant religion." Instead in 1784, the New Hampshire legislature approved a constitution with no acknowledgement of god.⁵ The Defendants seek to reintroduce god into our government. The Defendants have trampled on the Appellant's right of conscience as understood by the Founders and have compelled the worship of Jesus Christ. And they have created a religious test for appointment to government or government office.

The Supreme Court's decision in *Town of Greece* held that "*Marsh* must not be understood as permitting a practice that would amount to a constitutional violation." *Town of Greece v. Galloway*, 134 S. CT. 1811 (2014). Legislative prayer by elected or appointed government officials is such a practice. The modern State of South Carolina has made a law respecting the

² Jack Rakove, *Declaring Rights: A Brief History with Documents* (Boston, 1998), p. 173.

³ *Ibid*, p. 187.

⁴ Timothy Dwight, *A Discourse in Two Parts*, (Boston, Cummings & Hilliard, 1813), p. 24

⁵ Francis Newton Thorpe, ed., *The Federal and State Constitutions...* (Washington DC: Government Printing Office, 1909), P. 3081, 3099, 3739.

establishment of religion in direct violation of the Establishment Clause.⁶ The Court in *Town of Greece* ruled “Our Government is prohibited from prescribing prayers to be recited in our public institutions in order to promote a preferred system of belief or code of moral behavior” *Town of Greece*, 134 S. Ct. at 1822. Not only do the defendants seek to allow elected officials to offer prayers, they seek to allow appointed officials as well. Such a practice will certainly be used as a religious test, violating both the First Amendment and Article 6, section 3.⁷

Town of Greece held that the Establishment Clause must be interpreted “by reference to historical practices and understandings” quoting *County of Alleghney*, 492 U.S. at 670. Proof that the Founders never considered legislator-led prayer as constitutional exists in their decision(s) to open the Continental Congress (1774) and the First Congress (1789) with prayers led by guest chaplains. *Marsh*, 463 U.S. at 787-88; *Greece*, 134 S. Ct. at 1818, 1823. Had they contemplated prayer by legislators, they would not have bothered appointing a minister for the purpose. Legislator-led prayer entangles government and religion in precisely the manner the Founders rejected. Future Supreme Court Chief Justice Oliver Ellsworth, writing as “A Landholder” in the *Connecticut Courant* asserted that “the business of civil government is to protect the citizen in his rights, to defend to community from hostile powers, and to promote the general welfare.” Civil government had no jurisdiction over religious matters and “no business to meddle with the

⁶ See, eg., S.C. Code § 6-1-160(B)(1) (providing local deliberative bodies with the authority to “allow for an invocation [by] one of the public officials, elected or appointed”).

⁷ The Jackson County Commissioners ordered Administrator Mike Overton to give the invocation on January 2, 2014 to insure his loyalty to their “christian nation” dogma after they rejected Policy No. 4035 creating a policy of guest prayers similar to *Town of Greece* which Overton had proposed after consulting with County attorneys. If Overton refused on the grounds that it was unconstitutional for him to give a prayer, he would have been fired. (There was no danger of this. The Appellant likes Mike Overton, he is a very good secular administrator, but the Appellant has previously compared him to a directional flag on an airport runway. Mr. Overton goes whichever way the political wind blows). After Overton gave the invocation there was a noticeable chill among department heads in the room, all no doubt wondering if they would be called to lead a prayer showing their loyalty to jesus christ.

private opinions of the people.”⁸ In violation of this understanding of the Founders, the Jackson County Commissioners deliberately meddle in religion. Every prayer they offer is made to Jesus Christ. They coerce citizen participation by demanding that all attendees “rise and assume a reverent position.” They act as “supervisors and censors” of religious speech by giving personal prayers while acting in their official capacity as elected officials at official governmental meetings. They ignore the fact that many of their constituents may have differing views and they trample on minority rights of conscience.

ARGUMENT

I. The Historical Analysis Required By The Supreme Court Confirms That The County’s Legislator-Led Prayer Practice Falls Outside The *Marsh/Greece* Boundary.

The Supreme Court’s decision in *Town of Greece* held that “*Marsh* must not be understood as permitting a practice that would amount to a constitutional violation.” The practice of the Jackson County Commissioners should be ruled unconstitutional by this standard. The Supreme Court has held: “[E]ach separate government in this country should stay out of the business of writing or sanctioning official prayers”) *Engle v. Vitale*, 370 U.S. 421 435 (1962). The identity of the prayer giver is crucial to the fact intensive analysis required in Establishment Clause cases. Prayers by guest chaplains may “reflect the values [lawmakers] hold as private citizens” 134 S. Ct. at 1826 (plurality opinion) but prayers by legislators themselves “entangles governmental and religious functions to a much greater degree than a chaplain praying before the legislature.” *North Carolina Civil Liberties Union Legal Foundation v. Constangy*, 947 F.2d 1145, 1149 (4th Cir.

⁸ “A Landholder,” *Connecticut Courant*, Dec. 17, 1787, in Baylin, *Debate on the Constitution*, I: p. 521-525.

1991). In attempting to legitimize this unconstitutional practice the Defendants rely on the argument that anyone who is elected may offer a prayer. But a legislator represents everyone in their district. How can they give private prayers while officially representing all the constituents in their district? And appointed administrators represent everyone in Jackson County. By what stretch of law may they presume to pray as “private citizens?” The District Court ruling validates majority rule in religion. It creates an electoral contest to establish religion. If affirmed, all the “red states” will essentially be christian theocracies. Minority faiths will establish religious practices in the few areas of their demographic concentration, and this will create religious strife. If the District Court ruling is affirmed and Commissioner Duckham, who owns a waste hauling business, goes before the Hamtramck City Council, he likely will be asked to kneel, face east, and listen to an elected government official pray to Allah. Commissioner Duckham hates Islam, though he knows nothing about it. The Appellant cannot imagine him complying with such a request. He would simply refuse to do business there, or else contact his Michigan lawmakers and ask for a bill outlawing Islam.⁹

The Appellee’s contention that the county prayer practice is within the historical tradition is false. Andrew Jackson refused to issue a prayer proclamation as President, explaining to the New

⁹ The Appellant hopes this Court is aware of how secularism is under attack and religious nationalism is advancing worldwide. Turkey is forcing secularist Muslims out of government service. India is forcing secular Hindus out of government service. Following Catholic precepts, Poland is forcing women out of the workforce. A court in [orthodox] Russia just made the Jehovah Witness religion illegal. In the United States, President Trump just signed an executive order allowing ministers to preach politics from their pulpits without losing their tax exempt status. Education Secretary DeVos budgeted \$1.5 billion tax dollars for charter schools teaching the Jesus myth. Judge W. Mitchell Nance of Kentucky just claimed “right of conscience” not to perform his duties for any homosexual couples seeking to adopt. Parents seeking to adopt children in Texas could soon be rejected by state-funded or private agencies with religious objections to them being Jewish, Muslim, gay, single, or interfaith couples, under a proposal in the Republican-controlled Legislature. And Scott Pruitt is “doing the Lord’s work” at the EPA. Everywhere Enlightenment toleration and scientific secularism are under attack by religious fundamentalists.

England divines who requested it that he declined to “disturb the security which religion now enjoys in this country, in its complete separation from the political concerns of the General Government.”¹⁰ The States have likewise cast a suspect eye on prayer. In *Board of Education v. Minor*, 23 Ohio St. 211; 248-251 (1873) Justice John Welch wrote for the Ohio Supreme Court that: “Religion is eminently one of those interests, lying outside the true and legitimate province of government.” “The state can have no religious opinions” he concluded. In a case involving school prayer and bible reading, Justice Frank K. Dunn wrote for the Illinois Supreme Court in *People ex rel. Ring v. Board of Education*, 245 Ill. 334; 254-256 (1910) that, “Prayer is always worship.” “[T]he law knows no distinction between the Christian and the Pagan...All are citizens. Their civil rights are precisely equal...the Constitution has definitely and completely excluded religion from the law’s contemplation in considering men’s rights.” The public school, “like the government, is simply a civil institution. It is secular, and not religious, in its purposes.”

Amicus State of Michigan accurately notes that seven of the fourteen states that comprised the Union in 1791 still had vestiges of authorized establishments. With the advent of the Revolution, New York and North Carolina had abolished any remnants of religious establishments, joining the ranks of New Jersey, Pennsylvania, Delaware and Rhode Island. But even those state constitutions that retained public support for religion (Maryland, Massachusetts, Vermont) affirmed that “all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.”¹¹ In the states, prior to the ratification of the Constitution, the established clergy opened legislative sessions with

¹⁰ Arthur M. Schlesinger, Jr., *The Age of Jackson* (Boston: Little, Brown and Company, 1945) p. 16-17, 350-360

¹¹ John M. Murrin, “Religion and Politics in America from the first Settlements to the Civil War.” In *Religion and American Politics*, ed. Mark A. Noll (New York, Oxford University Press, 1990) p.26-32

legislative sessions with prayers. Legislators never gave prayers. This practice continued after ratification. In the states that allowed ministers to hold elected office, a legislator who was also a minister would occasionally be asked to give the opening prayer in their capacity as a minister, not as a legislator. As new states without traditions of religious establishments joined the Union, none of them barred ministers from public elected office. It was this change that contributed to the aberration of a legislator/minister giving an opening prayer instead of guest or appointed clergy. For the first 100 years of this country's existence, it was commonly understood that a legislator could not lead government prayer. Sometime around 1888 this enduring historical tradition was compromised. The Appellant believes this was due the influx of prohibition candidates into state legislatures, who, like their modern anti-abortion and anti-homosexual counterparts, wanted to impose their morality and religion on this nation. But all the examples the Amici cite before 1888 where biographical information is preserved involve ministers who also held public office.¹²

The Michigan House and Senate Journals confirm that legislator-led prayer was not a tradition. The MICHIGAN HOUSE JOURNAL shows that for the FIRST SESSION of 1935-36 there were 52 days of no opening prayers; 0 visiting clergy led prayers; 0 legislator-led prayers. In the House Session of 1837 of 80 days there were no opening prayers. In the 1839 session of 85 Days there were 8

¹² State Senator John Plaster Richmond of Illinois (1849) was a minister. In 1840, he officiated at the first Protestant wedding in what is now the state of Washington; Iowa State Senator Isaac Pearl Teter (1862) was ordained as a Methodist Episcopal clergyman by Bishop Matthew Simpson in 1855; Iowa State Senator Joseph J. Watson (1862) was known as the first minister to preach to the people in the northwest corner of Iowa County; Kansas State Senator Lewis Fisher Green (1867) was for a time an itinerant preacher in the Methodist Episcopal Church on the Paola and Centeropolis circuits; Michigan House Representative Derwin W. Sharts (1879) was a Presbyterian clergyman ordained by the Catskill presbytery in 1857; Michigan House Representative George Robertson (1879) graduated from Albion Seminary; Michigan House Representative Orsamus Barnes (1879) was a farmer and minister by occupation; Ohio State Senator Adam Schafer (1898) was a Presbyterian clergyman. See Appendix B.

days of no prayer; 77 days visiting clergy led prayer; 0 days legislator-led prayer. In the 1895 session of 96 days there were 78 days of no opening prayer; 18 days visiting clergy led prayer; 0 days legislator-led prayer. The Senate Journals are missing for 1835-40 but in the 1841 session of 83 days there were 35 days of no opening prayer; 48 days of visiting clergy led prayer; 0 days legislator-led prayer. In the 1842 session of 48 days there were 5 days of no prayer, 43 days of visiting clergy-led prayer and 0 days of legislator-led prayer. In the 1848 session of 78 days there were 5 days of no prayer, 49 days of chaplain-led prayer, 22 days of clergy-led prayer and 0 days of legislator-led prayers. In the 1853 session of 35 days there were 5 days of no prayer, 30 days of visiting clergy-led prayer and 0 days of legislator-led prayer. In the 1895 session of 96 days there were 85 days of no prayer; 11 days visiting clergy led prayer; 0 days legislator-led prayer. (See Appendix A).¹³ There was no tradition of lawmaker-led prayer in Michigan for the first 60 years it was a State. The examples provided by the Appellee and their amici involve prayers led by a legislator who was also a minister, or they are historical aberrations, not tradition as required by the Supreme Court in *Town of Greece*.

II. Jackson County's Prayer Practice Is Coercive and Tramples on Minority Rights of Conscience as Understood by the Founders.

Jackson County's practice is coercive and fosters majority rule in religion. The Jackson County Commissioners are "the very embodiment of the state" *Lund* at 434. They recite prayers "in order to promote a preferred system of belief" *Greece* at 1822. As Commissioner Rice acknowledged at the Personnel & Finance Committee meeting of November 12, 2013, every prayer is made in

¹³ The Appellant personally went through the Michigan Senate & House Journals located in the University of Michigan Law Library in Ann Arbor, Michigan and created the documents found in Appendix A. The Appellant attests that he accurately recorded the information contained in those journals to the best of his ability.

the name of Jesus Christ. <http://tinyurl.com/2013nov13> (33:14). It is the Appellee who misconstrues the holding of Justice Kennedy's plurality opinion in *Greece*. "It is an elemental First Amendment principle that government may not coerce its citizens...to participate in any religion or its exercise." *Greece* citing *County of Allegheny* at 659. Coerce means "to compel by authority." After the gavel sounds opening the meeting, Chairman Shotwell states: "All rise and assume a reverent position." By virtue of his authority, that is a command to participate in a religious exercise. The County Commissioners are directing people to pray.

The Commissioners also singled out the Appellant for opprobrium. The Appellee misconstrues the timeline. When Commissioner Lutchka made faces expressing his disgust and turned his back on the Appellant on August 20, 2013, the Appellant had not filed this lawsuit. Commissioner Lutchka simply did not like the words of Thomas Jefferson. Like Rev. John Mason and Rev. William Linn, who called Jefferson a "confirmed infidel" and a "howling atheist" during the 1800 presidential election, Commissioner Lutchka objects to anyone who believes that the United States is a secular nation.¹⁴ Nor did Commissioner Polaczyk's behavior on April 21, 2015 have anything to do with this lawsuit. Because of his Christian beliefs, he simply could not listen to a Pagan who believes abortion is a woman's right and so turned his back on the Appellant and then got up and temporarily left the room.

The Commissioners also "allocated benefits" on two separate occasions based on the Appellant's lack of participation in the prayer and refusal to accept their misguided "Christian nation" beliefs. These instances effectively involved a religious test and denied the Appellant an

¹⁴ Charles O. Lerche Jr., "Jefferson and the Election of 1800; A Case Study in Political Smear," *William and Mary Quarterly*, 3rd ser., 5 (1948): p. 467-491

opportunity to serve his community in areas he was uniquely qualified to serve. The Appellant also directs the Court's attention to the example of Administrator Overton on January 2, 2014, whose continued employment rested on leading the prayer opportunity. The Appellee seeks to institutionalize prayer throughout the government and to use it in a fashion that reinstates religious tests for holding appointed office. Since the Appellee cites a law a law in South Carolina (*See, eg.*, S.C. Code § 6-1-160(B)(1) providing local deliberative bodies with the authority to "allow for an invocation [by] one of the public officials, elected or appointed") extending and legalizing the practice of prayer to appointed, as well as elected officials, it is clear that the Appellee has a vision of the future where a citizen may be subjected to prayer when they go before a City Zoning Board or a Parks Commission or a Tax Assessment Board. No citizen can withstand that type of coercive pressure to join in a religious exercise, no matter how much they disagree with the practice. The Appellee parses the coercion language of *Greece* with exceptional skill no veracity. It is clear that Justice Kennedy did not contemplate legislator-led prayer or appointed official-led prayer in his plurality opinion. The practice of Jackson County lies outside the boundary of *Greece*.

III. Reversal will Clarify Establishment Clause Law and Eliminate a Nebulous Realm of Jurisprudence

Contrary to the claim of amicus Municipal Attorneys Association of Kentucky, the prayers of the individual Commissioners or Legislators are government speech. Each Legislator represents all of the citizens within their district when participating in a legislative prayer. To argue that their speech is personal and private, as does the MAA in section II of their amicus brief, is contrary to all previous holdings of the Courts. The Court in *Town of Greece* specifically found that Legislatures should not "act as supervisors and censors of religious speech." *Town of Greece*, 134 S. Ct at 1822. With a Legislator-led prayer practice, the government is editing, dictating and

delivering the content of the prayers, thus acting as supervisors and censors of religious speech. The role of Commissioners in leading prayers “is of constitutional dimension and falls outside the prayer practice approved in *Town of Greece*.” *Hudson v. Pittsylvania County, VA*, Case No. 11-043 (W.D. VA. 2014). Reversal will uphold the Constitution while still allowing legislators to hear prayers by guest ministers that “reflect the values they hold as private citizens.” *Greece* at 1826. A ruling preventing legislator-led prayer accurately follows historical tradition while still allowing prayers by ministers as required by *Marsh/Greece*. All uncertainty is removed for the MAA. No Legislator, Commissioner, City Council member, Township Supervisor or appointed administrator may pray while clergy may freely offer sectarian prayers so long as they do not proselytize. This workable, even elegant compromise protects minority rights, allows the christian majority to feel that their faith is acknowledged, and eliminates a troubling area of jurisprudence. Meanwhile affirmance would subject minority rights of conscience to the electoral process and create the very sectarian tensions the Establishment Clause was designed to prevent.

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principals to be applied by the courts...fundamental rights may not be submitted to vote; they depend on the outcome of no election.

West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943)

CONCLUSION

“By their actions,...the Founders insured that in no official sense would America be a Christian Republic. Ten years after the Constitutional Convention ended its work, the country assured the world that the United States was a secular state, and that its negotiations would adhere to the

of Tripoli of 1997..." "Throughout their deliberations, the Founders indicated that they were thinking about future generations. They acknowledged that their generation was a particularly liberal one, meaning that it was attuned to the dangers of any form of tyranny including that of a majority. But they knew that if proper constitutional safeguards were not in place, an imaginable political tyrant of the future could make a play for power by giving a popular religious group a position of favor in the eyes of the state.¹⁵ The Defendants prayer practice cannot be reconciled with precedent, historical tradition, the Constitution, common sense, or the Treaty of Tripoli. In pushing their "christian nation" doctrine they have deliberately linked christian belief and observance to the power and prestige of the state, thus violating the Establishment Clause.

The judgment of the District Court should be reversed.

Respectfully submitted,



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¹⁵ Frank Lambert, *The Founding Fathers and the Place of Religion in America*, Princeton (2006), p. 11, 264.

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2017, I mailed a copy of my Supplemental Reply Brief to Richard McNutty, 601 N. Capital Avenue, Lansing, MI 48933; to Ken Klukowski, 2001 W Plano Pkwy, Suite 1600, Plano, TX 75075; to John Sullivan, 1717 Main St., Dallas, TX 75201; to Michael Kenneally, Judd Stone, and Allyson Ho at 1111 Pennsylvania Ave NW, Washington DC 20004-2541; to Byran H. Beauman, 333 West Vine St. Suite 1500, Lexington, KY 40507; to Bill Schuette, P.O. Box 30212 Lansing, MI 48909; to Eric C. Rassbach, 1200 New Hampshire Ave. NW, Suite 700, Washington DC 20036; to Deborah J. Dewart, 620 E. Sabiston Dr, Swanboro, NC 28584-9674; to Edward L. White III, 3001 Plymouth Rd, Suite 203, Ann Arbor, MI 48105; Michael B. Kimberly, 1999 K Street NW, Washington DC 20006; to Ed R. Haden, P.O. Box 306, Birmingham, AL 35201-0306; to Douglas Cox, 1050 Connecticut Ave. NW, Washington DC 20036; to Heather L. Weaver, 915 15th St. NW, Washington Dc 20005, and to Bradley Girard, 1310 L St. NW, Suite 200, Washington DC 20005 by regular mail.

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Dated: May 8, 2017

MICHIGAN HOUSE JOURNAL – FIRST SESSION 1935-36 – 72 DAYS: 72 days no prayers; 0 visiting clergy led prayers; 0 legislator-led prayers

1835

- Nov 2
- Nov 3
- Nov 4
- Nov 5
- Nov 6
- Nov 7
- Nov 9
- Nov 10
- Nov 11
- Nov 12
- Nov 13
- Nov 14

1836

Feb 1	Feb 26	Mar 22
Feb 2	Feb 27	Mar 23
Feb 3	Feb 29	Mar 24
Feb 4	Mar 1	Mar 25
Feb 5	Mar 2	Mar 26
Feb 6	Mar 3	Mar 28
Feb 8	Mar 4	
Feb 9	Mar 5	Extra Session
Feb 10	Mar 7	
Feb 11	Mar 8	Jul 13
Feb 13	Mar 9	Jul 14
Feb 15	Mar 10	Jul 15
Feb 16	Mar 11	Jul 16
Feb 17	Mar 12	Jul 18
Feb 18	Mar 14	Jul 19
Feb 19	Mar 15	Jul 20
Feb 20	Mar 16	Jul 21
Feb 22	Mar 17	Jul 22
Feb 23	Mar 18	Jul 23
Feb 24	Mar 19	Jul 25
Feb 25	Mar 21	Jul 26

MICHIGAN HOUSE JOURNAL – 1837 Session – 80 DAYS: 80 days no prayers; 0 visiting clergy led prayers; 0 legislator-led prayers

Jan 2	Feb 15	Jun 16
Jan 3	Feb 16	Jun 17
Jan 4	Feb 17	Jun 19
Jan 5	Feb 18	Jun 20
Jan 6	Feb 20	Jun 21
Jan 7	Feb 21	Jun 22
Jan 9	Feb 22	
Jan 10	Feb 23	
Jan 11	Feb 24	
Jan 12	Feb 25	
Jan 13	Feb 27	
Jan 14	Feb 28	
Jan 16	Mar 1	
Jan 17	Mar 2	
Jan 18	Mar 3	
Jan 19	Mar 4	
Jan 20	Mar 6	
Jan 21	Mar 7	
Jan 23	Mar 8	
Jan 24	Mar 9	
Jan 25	Mar 10	
Jan 26	Mar 11	
Jan 27	Mar 13	
Jan 28	Mar 14	
Jan 30	Mar 15	
Jan 31	Mar 16	
Feb 1	Mar 17	
Feb 2	Mar 18	
Feb 3	Mar 20	
Feb 4	Mar 21	
Feb 6	Mar 22	
Feb 7		
Feb 8	Extra session	
Feb 9		
Feb 10	Jun 12	
Feb 11	Jun 13	
Feb 13	Jun 14	
Feb 14	Jun 15	

MICHIGAN HOUSE JOURNAL – 1839 SESSION: 85 Days; 8 days no prayer; 77 days visiting clergy led prayer; 0 days legislator-led prayer

Jan 7	Feb 25	Apr 12 - Rev. Mr. Chaplin
Jan 8	Feb 26 – Rev. Mr. Bury	Apr 13
Jan 9	Feb 27 - Rev. Mr. Bury	Apr 15 - Rev. Mr. Chaplin
Jan 10 – Rev. Mr. Comstock	Feb 28 - Rev. Mr. Bury	Apr 16 - Rev. Mr. Chaplin
Jan 11 - Rev. Mr. Comstock	Mar 1 - Rev. Mr. Bury	Apr 17 - Rev. Mr. Chaplin
Jan 12 - Rev. Mr. Comstock	Mar 2 - Rev. Mr. Bury	Apr 18 - Rev. Mr. Chaplin
Jan 14 - Rev. Mr. Comstock	Mar 4 - Rev. Mr. Comstock	Apr 19 - Rev. Mr. Chaplin
Jan 15 - Rev. Mr. Comstock	Mar 5 - Rev. Mr. Comstock	Apr 20 - Rev. Mr. Chaplin
Jan 16 - Rev. Mr. Comstock	Mar 6 - Rev. Mr. Comstock	
Jan 17 – Bishop McCoskry	Mar 7 - Rev. Mr. Comstock	
Jan 18 - Bishop McCoskry	Mar 8 - Rev. Mr. Comstock	
Jan 21 – Rev. Mr. Comstock	Mar 9 - Rev. Mr. Comstock	
Jan 22 - Rev. Mr. Comstock	Mar 11 - Rev. Mr. Comstock	
Jan 23 - Rev. Mr. Comstock	Mar 12 - Rev. Mr. Comstock	
Jan 24 - Rev. Mr. Comstock	Mar 13 - Rev. Mr. Comstock	
Jan 25 - Rev. Mr. Comstock	Mar 14 - Rev. Mr. Comstock	
Jan 28 – Rev. Mr. Badin	Mar 15 - Rev. Mr. Comstock	
Jan 29 - Rev. Mr. Badin	Mar 16 - Rev. Mr. Comstock	
Jan 30 - Rev. Mr. Badin	Mar 18 – Rev. Mr. Chaplin	
Jan 31 - Rev. Mr. Badin	Mar 19 - Rev. Mr. Chaplin	
Feb 1 - Rev. Mr. Badin	Mar 20 - Rev. Mr. Chaplin	
Feb 2 - Rev. Mr. Badin	Mar 21 - Rev. Mr. Chaplin	
Feb 4 - Rev. Mr. Badin	Mar 22 - Rev. Mr. Chaplin	
Feb 5 - Rev. Mr. Badin	Mar 23 – Rev. Mr. _____	
Feb 6 - Rev. Mr. Badin	Mar 26 – Rev. Mr. Duffield	
Feb 7 - Rev. Mr. Badin	Mar 27 - Rev. Mr. Duffield	
Feb 8 - Rev. Mr. Badin	Mar 28 - Rev. Mr. Duffield	
Feb 9 - Rev. Mr. Badin	Mar 29 - Rev. Mr. Duffield	
Feb 11 - Rev. Mr. Badin	Apr 1 - Rev. Mr. Bury	
Feb 12 – Rev. Mr. Chaplin	Apr 2 - Rev. Mr. Bury	
Feb 13 - Rev. Mr. Chaplin	Apr 3 - Rev. Mr. Bury	
Feb 14 - Rev. Mr. Chaplin	Apr 4	
Feb 15 - Rev. Mr. Chaplin	Apr 5 - Rev. Mr. Bury	
Feb 18 – Rev. Mr. Duffield	Apr 6 - Rev. Mr. Bury	
Feb 19 – Rev. Mr. Duffield	Apr 8	
Feb 20	Apr 9 – Rev. Mr. Chaplin	
Feb 21 - Rev. Mr. Chaplin	Apr 10	
Feb 22 – Rev. Mr. Duffield	Apr 11- Rev. Mr. Chaplin	

MICHIGAN HOUSE JOURNAL – 1895 SESSION: 96 DAYS; 78 days no prayer; 18 days visiting clergy led prayer; 0 days legislator-led prayer

Jan 2 – Rev. Mr. Patterson	Mar 11	May 7
Jan 3	Mar 12	May 8 – Rev. Mr. Davison
Jan 8 – Rev. Mr. Jordan	Mar 13	May 9
Jan 9	Mar 14 – Rev. Mr. Luther	May 10
Jan 10	Mar 15	May 11
Jan 11	Mar 18 – Rev. Mr. Hartness	May 13
Jan 14	Mar 19	May 14
Jan 15	Mar 21	May 15
Jan 16	Mar 25	May 16
Jan 17	Mar 26 – Rev. Mr. Temple	May 17
Jan 18	Mar 27	May 20
Jan 29	Mar 28	May 21
Jan 30	Mar 29	May 22
Jan 31	Apr 2	May 23
Feb 1 – Rev. Mr. Jordan	Apr 3	May 24
Feb 4	Apr 4	May 25
Feb 5 – Rev. Mr. Swift	Apr 5	May 27
Feb 6 - Rev. Mr. Baughman	Apr 8	May 28
Feb 7 – Rev. Mr. Howell	Apr 9 – Rev. Mr. Collins	May 29
Feb 8	Apr 10	May 30
Feb 11	Apr 11 – Rev. Mr. Zimmerman	
Feb 12	Apr 12	
Feb 13	Apr 15	
Feb 14	Apr 16	
Feb 15	Apr 17	
Feb 18	Apr 18	
Feb 19 – Rev. Mr. Jordan	Apr 19	
Feb 20	Apr 22	
Feb 25	Apr 23	
Feb 26 – Rev. Mr. Collins	Apr 24	
Feb 27	Apr 25	
Feb 28	Apr 26	
Mar 1	Apr 29	
Mar 4 – Rev. Mr. Osborne	Apr 30	
Mar 5	May 1	
Mar 6 – Rev. Mr. Patterson	May 2	
Mar 7 – Rev. Mr. Jordan	May 3	
Mar 8 – Rev. Mr. Arney	May 6	

MICHIGAN SENATE JOURNAL - 1841 SESSION: 83 Days; 35 days no prayer; 48 days visiting clergy led prayer; 0 days legislator-led prayer

Jan 4	Feb 18 - Rev. H. Colclazer	Apr 7
Jan 5	Feb 19	Apr 8
Jan 6	Feb 22	Apr 9
Jan 7	Feb 23 - Rev. Mr. Duffield	Apr 10
Jan 8	Feb 24 - Rev. Mr. Duffield	Apr 12 - Rev. O.C. Comstock
Jan 9 - Rev. Kundig	Feb 25 - Rev. Mr. Duffield	Apr 13
Jan 11	Feb 26 - Rev. Mr. Duffield	
Jan 12 - Rev. Kundig	Feb 27 - Rev. Mr. Fitch	
Jan 13 - Rev. Kundig	Mar 1 - Right Rev. Bishop McCoskry	
Jan 14 - Rev. Kundig	Mar 2 - Right Rev. Bishop McCoskry	
Jan 15 - Rev. Kundig	Mar 3 - Right Rev. Bishop McCoskry	
Jan 18 - Rev. Duffield	Mar 4	
Jan 19	Mar 5	
Jan 20 - Rev. Duffield	Mar 6	
Jan 21 - Rev. Duffield	Mar 8	
Jan 22 - Rev. Duffield	Mar 9	
Jan 23 - Rev. Duffield	Mar 10 - Rev. Mr. Comstock	
Jan 25 - Rev. H. Smith	Mar 11 - Rev. H. Colclazer	
Jan 26 - Rev. H. Smith	Mar 12	
Jan 27	Mar 15 - Rev. O.C. Comstock	
Jan 28 - Rev. H. Smith	Mar 16 - Rev. O.C. Comstock	
Jan 29 - Rev. John T. Fulton	Mar 17 - Rev. O.C. Comstock	
Jan 30 - Rev. H. Smith	Mar 18 - Rev. O.C. Comstock	
Feb 1 - Rev. H. Colclazer	Mar 19 - Rev. O.C. Comstock	
Feb 2 - Rev. H. Colclazer	Mar 20 - Rev. O.C. Comstock	
Feb 3	Mar 22	
Feb 4	Mar 23	
Feb 5 - Rev. H. Colclazer	Mar 24	
Feb 6 - Rev. H. Colclazer	Mar 25	
Feb 8	Mar 26	
Feb 9	Mar 27	
Feb 10 - Rev. H. Colclazer	Mar 29 - Rev. Mr. Duffield	
Feb 11 - Rev. H. Colclazer	Mar 30 - Rev. Mr. Duffield	
Feb 12 - Rev. H. Colclazer	Apr 1 - Rev. Mr. Duffield	
Feb 13 - Rev. H. Colclazer	Apr 2 - Rev. Mr. Duffield	
Feb 15	Apr 3 - Rev. Mr. Duffield	
Feb 16	Apr 5 - Rev. O.C. Comstock	
Feb 17 - Rev. H. Colclazer	Apr 6	

**MICHIGAN SENATE JOURNAL - 1842 SESSION: 48 Days; 5 days no prayer; 43 days
visiting clergy led prayer; 0 days legislator-led prayer**

Jan 3
Jan 4
Jan 5
Jan 6
Jan 7 – Rev. Mr. Duffield
Jan 8 – Rev. Mr. Duffield
Jan 10 – Rev. Mr. Duffield
Jan 11 – Rev. Mr. Duffield
Jan 12 – Rev. Mr. Duffield
Jan 13 – Rev. Mr. Duffield
Jan 14 – Rev. A.M. Fitch
Jan 15 - Rev. A.M. Fitch
Jan 17 – Bishop McCoskry
Jan 18 - Bishop McCoskry
Jan 19 - Bishop McCoskry
Jan 20 - Bishop McCoskry
Jan 21 - Bishop McCoskry
Jan 22 – Rev. C.W. Fitch
Jan 24 – Rev. Mr. Ten Brook
Jan 25 – Rev. Mr. Ten Brook
Jan 26 – Rev. A.M. Fitch
Jan 27 – Rev. Mr. Fitch
Jan 28 – Rev. A.M. Fitch
Jan 29 – Rev. A.M. Fitch
Jan 31 – Rev. A.M. Fitch
Feb 1 – Rev. A.M. Fitch
Feb 2 - Rev. A.M. Fitch
Feb 3 - Rev. A.M. Fitch
Feb 4 - Rev. A.M. Fitch
Feb 5 - Rev. A.M. Fitch
Feb 7 – Rev. Mr. Duffield
Feb 8 – Rev. Mr. Duffield
Feb 9 – Rev. Mr. Duffield
Feb 10
Feb 11 – Rev. Mr. Duffield
Feb 12 – Rev. Mr. Duffield
Feb 14 – Rev. A.M. Fitch
Feb 15 – Rev. A.M. Fitch

MICHIGAN SENATE JOURNAL - 1848 SESSION: 78 Days; 5 days no prayer; 49 days chaplain-led prayer; 22 days clergy led prayer; 0 days legislator-led prayer

Jan 3	Feb 22 - chaplain
Jan 4	Feb 23 - chaplain
Jan 5 – Rev. Mr. Blades	Feb 24 - chaplain
Jan 6 – Rev. Mr. Cummings	Feb 25 - chaplain
Jan 7	Feb 26 - chaplain
Jan 10 – Rev. Mr. Blader	Feb 28 – Rev. D. A. Curtiss
Jan 11 – Rev. Mr. Blader	Feb 29 - chaplain
Jan 12 – Rev. Mr. Hill	Mar 1 - chaplain
Jan 13 – Rev. Mr. Sanford	Mar 2 - chaplain
Jan 14 – Rev. Mr. Shaw	Mar 3 – Rev. Mr. Brown
Jan 15 – Rev. Mr. Shaw	Mar 4 – Rev. Mr. Brown
Jan 17 – Rev. Mr. Shaw	Mar 6 – Rev. Mr. Brown
Jan 18 – Rev. Mr. Shaw	Mar 7 – Rev. Mr. Brown
Jan 19 – chaplain	Mar 8 - chaplain
Jan 20 – chaplain	Mar 9 - chaplain
Jan 21 – Rev. B.F. Millerd	Mar 10 - chaplain
Jan 24	Mar 11 - chaplain
Jan 25 – chaplain	Mar 13 - chaplain
Jan 26 – chaplain	Mar 14 - chaplain
Jan 27 – chaplain	Mar 15 - Rev. E.H. Parker
Jan 28 – chaplain	Mar 16 – chaplain
Jan 29 – chaplain	Mar 17 - Rev. Mr. Chatfield
Jan 31 – chaplain	Mar 18 – chaplain
Feb 1 – Rev. Mr. Baughman	Mar 20 - chaplain
Feb 2 – chaplain	Mar 21 - chaplain
Feb 3 – chaplain	Mar 22 - chaplain
Feb 4 – chaplain	Mar 23 - chaplain
Feb 5 – chaplain	Mar 24 - chaplain
Feb 7 – chaplain	Mar 25 - chaplain
Feb 8 – chaplain	Mar 27 - chaplain
Feb 9 – chaplain	Mar 28 - chaplain
Feb 10 – chaplain	Mar 29 - chaplain
Feb 11 – Rev. Mr. Brown	Mar 30 - chaplain
Feb 12 – Rev. Mr. Brown	Mar 31
Feb 14 – Rev. Mr. Brown	Apr 1 - chaplain
Feb 15 – chaplain	Apr 3 - chaplain
Feb 16 – chaplain	
Feb 17 – chaplain	
Feb 18 – chaplain	
Feb 19 – chaplain	
Feb 21 – chaplain	

**MICHIGAN SENATE JOURNAL - 1853 SESSION: 35 Days; 5 days no prayer; 30 days
visiting clergy led prayer; 0 days legislator-led prayer**

Jan 5

Jan 6

Jan 7

Jan 8 – Rev. Mr. Chatfield

Jan 10 – Rev. Mr. Knickerbacker

Jan 11 – Rev. Mr. Chatfield

Jan 12 - Rev. Mr. Dayfoot

Jan 13 – Rev. Mr. Dayfoot

Jan 14 _ Rev. Mr. Knickerbacker

Jan 15 – Rev. Mr. Chatfield

Jan 17 – Rev. Mr. Atterbury

Jan 18 – Rev. Mr. Chatfield

Jan 19 – Rev. Mr. Knickerbacker

Jan 20

Jan 21 – Rev. Mr. Dayfoot

Jan 22 – Rev. Mr. Dayfoot

Jan 24 – Rev. Mr. Atterbury

Jan 25 – Rev. Mr. Chatfield

Jan 26 – Rev. Mr. Chatfield

Jan 27 – Rev. Mr. Dayfoot

Jan 28 – Rev. Mr. Knickerbacker

Jan 29 – Rev. Mr. Chatfield

Jan 31 – Rev. Mr. Atterbury

Feb 1 – Rev. Mr. Dayfoot

Feb 2 – Rev. Mr. Knickerbacker

Feb 3 – Rev. Mr. Chatfield

Feb 4 – Rev. Mr. Chatfield

Feb 5 – Rev. Mr. Chatfield

Feb 7 – Rev. Mr. Gosse

Feb 8 – Rev. Mr. Fitch

Feb 9 – Rev. Mr. Atterbury

Feb 10 - Rev. Mr. Dayfoot

Feb 11 – Rev. Mr. Knickerbacker

Feb 12 – Rev. Mr. Chatfield

Feb 14

MICHIGAN SENATE JOURNAL – 1895 SESSION: 95 days; 84 days no prayer; 11 days visiting clergy led prayer; 0 days legislator-led prayer

Jan 2 – Rev. Mr. Swift	Mar 15	May 15
Jan 3	Mar 18	May 16
Jan 8	Mar 19	May 17
Jan 9 – Rev. Mr. Temple	Mar 20	May 20
Jan 10 – Rev. Mr. Osborne	Mar 21	May 21
Jan 11	Mar 25	May 22
Jan 14 – Rev. Mr. Patterson	Mar 26	May 23
Jan 15 – Rev. Mr. Jordan	Mar 27	May 24
Jan 16	Mar 28	May 25
Jan 17	Mar 29	May 27
Jan 18	Apr 2	May 28
Jan 29	Apr 3	May 29
Jan 30 – Rev. Mr. Patterson	Apr 4	May 30
Jan 31 – Rev. Mr. Zimmerman	Apr 5	May 31
Feb 1	Apr 8	
Feb 4	Apr 9	
Feb 5 – Rev. Mr. Osborne	Apr 10	
Feb 7	Apr 11	
Feb 8	Apr 12	
Feb 11	Apr 15	
Feb 12	Apr 16	
Feb 13	Apr 17	
Feb 14	Apr 18	
Feb 15	Apr 19	
Feb 18	Apr 22	
Feb 19	Apr 23	
Feb 20	Apr 24	
Feb 25	Apr 25 – Rev. Mr. McDaniels	
Feb 26 – Rev. Mr. McCarroll	Apr 26	
Feb 27	Apr 29	
Feb 28	Apr 30	
Mar 1	May 1	
Mar 4	May 2	
Mar 5	May 3	
Mar 6	May 6	
Mar 7	May 7	
Mar 8	May 8	
Mar 11	May 9 – Rev. Mr. Patterson	
Mar 12	May 10	
Mar 13	May 13	
Mar 14	May 14	

Derwin W. Sharts

Representative from Shiawassee County, 1877-8 and 1879-80. Was born in Oxford, N. Y., Aug. 31, 1830. He graduated from Madison University, Hamilton, N. Y., in 1854, and from the Auburn Theological Seminary in 1857. Soon after the close of the war, having spent a portion of the last year at the front, he moved into Ohio, thence in 1871, to Shiawassee County. He was a **Presbyterian clergyman**; was ordained by the Catskill presbytery in 1857, and preached in the State of New York, in Cleveland, Ohio, and several years for the Congregationalist Church in Owosso. Having pursued the ministry for seventeen years, he retired from the work for rest and recuperation. In politics he was a Republican.

George Robertson

Representative from Calhoun County, 1879-80 and 1881-2. Was born in Dryden, N. Y., March 20, 1826. He came to Albion, Mich., with his parents in 1837, and was educated in public schools and **Albion Seminary**, from which he graduated. After 1850 he was a farmer at South Albion. He was a Democrat until 1872, then a Republican. He died at Albion, Mar. 3, 1889

Richmond, John Plaster (1811-1895) — also known as **John P. Richmond** — of Schuyler County, Ill. Born in Middletown, Frederick County, Md., August 11, 1811. Democrat. Physician; **minister**; in 1840, he officiated at the first Protestant wedding in what is now the state of Washington; in 1841, he delivered the first Fourth of July oration on the Pacific coast; member of Illinois state senate, 1849-52, 1859-60; member of Illinois state house of representatives, 1855-56; Presidential Elector for Illinois, 1856; delegate to Illinois state constitutional convention from Schuyler County, 1862; postmaster. Methodist. Scottish ancestry. Member, Freemasons. Died in South Dakota, August 28, 1895 (age 84 years, 17 days). Interment at Tyndall Cemetery, Tyndall, S.Dak.

Senator Joseph J. Watson

Iowa County

Born January 25, 1824, in Ohio, the son of William and Mary Watson. Mr. Watson married Lydia Margaret Bowser on September 7, 1848. He was the first **minister** to preach to the people in the northwest corner of Iowa County. After three years spent in religious labors he entered politics and was sent to the Legislature to represent the county in the Eighth and Ninth General Assemblies, 1860, 1862. He was commissioned an officer in Company S, Iowa 2nd Cavalry Regiment on June 4, 1864, and mustered out on June 1, 1865 at Nashville, Tennessee.

Isaac Pearl Teter

Keokuk County

ISAAC PEARL TETER was born in Lewis county, West Va., in 1829; he died at New Sharon, Iowa, March 6, 1900. He came to Iowa about the year 1852 and was ordained as a **Methodist Episcopal clergyman**, by Bishop Matthew Simpson, in 1855. His early appointments were at Troy, Montrose, Winchester, Ft. Madison, Drakeville, Albia, East Des Moines and Sigourney. While at the latter place, in 1861, he was elected to the State senate, in which body he became active and prominent, especially distinguished by his efforts to secure temperance legislation. In 1863 he was commissioned as chaplain of the 7th Iowa infantry and went to the front. Resigning in 1864,

he was appointed post chaplain to the military hospitals at Keokuk, where he remained until the close of the war. He was a popular preacher, able and eloquent, exerting a good degree of influence wherever he resided. He had long been **one of the most widely known Methodist Episcopal clergymen** in the State.

Orsamus Barnes

Representative from Eaton County in 1879, was born in Broome County NY August 7, 1830. In 1839 he removed to Oberlin Ohio. In 1846 he removed to Wisconsin. He enlisted in the Mexican War August 16, 1847. Returning at the close of the war, he spent the next seven years in Wisconsin, attending school, teaching and working in wagon shops. He received a common school education, and in 1855 returned to Oberlin Ohio, where he married and removed to Lenawee County Mich and from thence to Eaton County in 1863. **He is a farmer and minister by occupation.** He has held nearly every town office from constable to supervisor. In politics a Republican.

Louis Fisher Green

Senator from Douglas County 1867-68, was born in West Liberty, Ohio, August 31, 1834. He was educated in the common schools, and spent one year at the Ohio Wesleyan University, and two years studying law in a law office. In the spring of 1855 he came to Kansas, settling in the town of Palmyra, which was later absorbed by Baldwin. His sympathies were with the free state people and he consistently upheld their principals. **He was for a time an itinerant preacher in the Methodist Episcopal Church** on the Paola and Centeropolis circuits.

Adam Schafer

Ohio State Senator Adam Schafer of Maumee, Lucas County was born at Mt. Carmel, Ill, August 31, 1856. His early life was spent at Carthage College, Carthage Ill, and then he took theological courses at Gettysburg PA and at the Wittenberg Theological Seminary Springfield OH. **He became a Presbyterian clergyman.**

Bormuth
142 W. Paul St
Jackson, MI 49201
RE: No. 15-1869



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Clerk
6th Circuit Court of Appeals
100 East Fifth Street
RM 540
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Cincinnati, OH

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